

Remarks

Claims 30-49 are pending. The Official Action allowed claims 36-42 and 46-48, objected to claims 31, 34, 35, and 49, and rejected claims 30, 32, 33, and 43-45. Applicant has amended claim 49. Applicant respectfully requests allowance of the pending claims.

Allowed and Allowable Subject Matter

Applicant gratefully acknowledges that claims 36-42 and 46-48 are allowed and that claims 31 and 34-35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant, however, has elected not to rewrite such claims 31 and 34-35 at this time since Applicant believes the claims from which they depend are also allowable. Applicant respectfully requests allowance of the pending claims.

Claim Objections

The Official Action objected to a typo in claim 49. Applicant has amended claim 49 to correct the typo. Applicant respectfully requests allowance of claim 49.

Claim Rejections – Double Patenting

The Official Action rejected claims 30 and 32-33 under the judicially created doctrine of double patenting over claim 8 of U.S. Patent No. 6,622,268. Applicant gratefully acknowledges that claims 30 and 32-33 would be allowable on filing a terminal disclaimer. Applicant has elected to file a terminal disclaimer. Applicant respectfully request allowance of claims 30 and 32-33.

35 USC § 112, First Paragraph Claim Rejections

The Office Action rejected claim 43-45 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Official Action indicated that the claim contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, claims 43-45 are Beauregard-type claims directed at protecting software-like implementations of the present invention. The instant application describes, in paragraph [0013], that any combination of hard-wired circuitry and software instructions can be used to implement embodiments of the present invention. The software instructions stored on a medium may control the operation of the hard-wired circuitry and thus a combination of hard-wired circuitry and software instructions can be used to implement embodiments of the present invention. A combination of hard-wired circuitry and software instructions, which may be carried on a machine-readable medium, is well known in the relevant art. Also, the Applicant had originally presented machine-readable medium claims 26-29, which indicate that the inventor had contemplated the claimed invention and was in possession of the claimed invention at the time the application was filed. Applicant respectfully requests the Examiner to withdraw the rejection of claims 43-45.

35 USC § 112, Second Paragraph Claim Rejections

The Office Action rejected claim 43-45 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which Applicant regards as the invention. In particular, the Official Action indicated that the preamble of claims 43-45 makes the scope of these claims indefinite because it is unclear whether these claims are machine-readable medium claims or method claims because the preamble of these claims claimed a machine-readable medium, but the body of these claims recited a series of method steps for correcting and detecting errors. The Official Action suggested changing the preamble.

Applicants' believe the preamble of claims 43-45 to be in proper form and have therefore elected not to amend the preambles. In particular, claims 43-45 are Beauregard-type claims directed at protecting software-like implementations of the present invention. Though Beauregard-type claims come in many different forms, the Examiner should have no troubles locating issued patents with claims having a similar Beauregard claiming structure as claims 43-45.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account number 02-2666. If the Examiner believes that there are any informalities, which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,



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On: July 22, 2005

Signature ROB
Rachael Brown

7/22/05
Date